

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

January 27, 2011

**5:30 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2),  
Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

**Absent:** **Councilor George Rabideau (W3)**

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on January 20, 2011 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending January 26, 2011 in the amount of **\$ 245,055.44** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Case; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of January 20 – January 26, 2011
- Report from the Building Inspector's Office from December 29, 2010 – January 25, 2011
- Statement of cash receipts from the Library from December 1 – December 31, 2010

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Calnon; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills approved by the Auditing Committee of the Common Council in the amount of \$ 886,957.32 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Case; Seconded by Councilor Jackson  
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL: None**

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**7. OTHER ITEMS:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign a Grant Disbursement Agreement with New York State Urban Development Corporation, dba Empire State Development Corporation for the Champlain Valley Transportation Museum Campus Development Project.

By Councilor Tiffer; Seconded by Councilor Carpenter  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves continuing the contract with Ron Santor as the Basic Academy Director for 2011 for the lump sum cost of \$15,000 which is the same as in the past and will be paid out of Asset Forfeiture Fund (Treasury).

By Councilor Calnon; Seconded by Councilor Case  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves continuing the contract with Ron Santor as the Police Department's Training Director for 2011 for the lump sum cost of \$20,000 which is the same as in the past and will be paid out of Asset Forfeiture Fund (Treasury).

By Councilor Case; Seconded by Councilor Calnon  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves continuing the contract with James Burgess as the Nuisance Animal Control Officer for 2011 for the lump sum price of \$25,000 which is the same as in the past and will be paid out of the Animal Control budget.

By Councilor Jackson; Seconded by Councilor Tiffer  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**E. RESOLVED:** In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to write-off unpaid final bills from November 1, 2009 to November 30, 2009 in the total amount of \$1,985.96. The percentage of write-offs for this period is .18%.

By Councilor Jackson; Seconded by Councilor Carpenter  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**F. RESOLVED:** On the report and recommendation of the Lake City Local Development Corporation's Loan Review Committee dated January 18, 2011, the Common Council authorizes a loan from the Economic Development Revolving Loan Fund to Julie LaPier in the amount and on the terms set forth in said report and recommendation.

By Councilor Tiffer; Seconded by Councilor Case  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)  
**ACTION TAKEN:** Adopted  
Follow up Action: None

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**G. Motion to waive rule 4 for initial consideration:** The Mayor is authorized to send a letter to the Department of State advising that the City does not wish to proceed with the Wilcox Dock – Cumberland Bay Feasibility Study.

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

**RESOLVED:** The Mayor is authorized to send a letter to the Department of State advising that the City does not wish to proceed with the Wilcox Dock – Cumberland Bay Feasibility Study.

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion:

**Councilor Calnon** in addition to some of the things that were said during the work session, I think, that the thing that makes this the right thing in my mind is that the feasibility study is not something that I think is particularly useful to us in that it doesn't really talk about the economic feasibility or a host of other things that we would really want to put in to a business decision of should we use this property in such a manner. Let alone the fact that we don't own any of it. The feasibility study of concept only seems to be ridiculous and any financial risks for concept only is something I don't really wish to support.

**Councilor Jackson** just so people understand the background on this. It's a \$50,000 grant with a \$50,000 match that the city would have to provide and because we don't own the property it makes really very little sense to me to ask the taxpayers to spend \$50,000 on a feasibility study for property we don't own and as Jim said its not even for economic development it's a feasibility study so it doesn't seem like a good use of taxpayer dollars.

**Councilor Carpenter** I agree with what's been said. Had we been asked by the property owners that definitely be a different factor but we haven't even been asked by the property owners so it would be crazy for us to pursue this.

**Councilor Tiffer** I think it's important to also state that this doesn't stop any other studies that we could pursue. This actually leaves us open to pursue better options on land that we actually do own and there are other grants available that John Clute informed me about.

**Mayor Kasprzak** when I was on the Council in the early 90's we first got elected there was a \$40,000 grant that was brought to our Council just as we were elected it was coming due and we had some pressure to vote on it and we refused. We received some criticism because how can the City of Plattsburgh Common Council refuse grant money when other communities will be glad to have it. We really had a lengthy discussion and debate about it and it just did not make sense at that time for us even though we had the opportunity to utilize that \$40,000. There is no secret that this state is in serious financial difficulty and I am not stating that all grants should be discontinued but I can tell you this coupled with the fact that maybe that would have an impact on our finances in an area that we don't own the property may not be popular with the Department of State with this decision but I think it is the right decision. I think if other communities gave it some thought like we did I think it

overall would help the state's financial difficulties if we all decided to take advantage of grant funding for the right reasons and for what is in the best interest of your community. Instead of for example saying well we're just going to do it. We're going to put in kind services here maybe they don't add up, we don't want to affect the general fund. I think it's the right decision. I can tell you it won't be popular down in Albany but I think Albany has made some decisions that weren't popular with us all these years so quite frankly I believe you all made the right decision. I think John explained it very well to all of you and we will have some other opportunities and we have some property that we own on the water front that Mark alluded to earlier that hopefully we can take advantage of and pursue so I believe you made the right decision.

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## 8. TRAVEL REQUEST:

**A. RESOLVED:** In accordance with the request therefore the Common Council approves a police officer to attend the "eJustice NY Integrated Justice Portal Train the Trainer Training" in Albany, NY from February 1 – 2, 2011 at an estimated cost not to exceed \$165.00 and will be paid out of the Asset Forfeiture Fund (Treasury).

By Councilor Calnon; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves two police officers to attend the "2011 National Conference on Bullying/Safe Schools" in Orlando, FL from February 13 – 17, 2011 at an estimated cost not to exceed \$2,035.53 and will be paid out of the Asset Forfeiture Fund (Treasury).

By Councilor Case; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## 9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from City Clerk Keith Herkalo that the Mayor be and is authorized to sign letters of authorization to commence a telecommunications audit by Telesoft Recovery Corp. of New

Jersey under the guidelines and fee arrangements of NY State expense reduction services contract 20518.

2. Request from the Community Development Office that Project HOME 2009-6 (5497 Peru St – Anna Gaito) be awarded to B & E Development LLC the contract amount is \$19,980. This project will be funded by the 2009 HOME program.
3. Request from Mayor Kasprzak to attend the NYCOM Conference of Mayors 2011 Winter Legislative Meeting in Albany, NY from February 27 – 28, 2011 at an estimated cost not to exceed \$730.

**Councilor Tiffer added Initial item #4:**

4. Resolution – Wilcox Dock – Cumberland Bay Study (**Move to agenda under “Other Items” Letter G**)

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**10. NEW BUSINESS:**

**Councilor Jackson** said a couple things. In your packets and actually I wanted to bring this up so the public knew this, the DEC came in and it did its annual waste water treatment plant inspection it was conducted on January 6, 2011. Overall it was very favorable and they’ve commented on 4 things but the last paragraph is what I find to be something nice to hear because the DEC can be very tough it says “the department commends the city on its commitment to investing in improvements in the waste water treatment plant. Additionally, I’d like to acknowledge the hard work and commitment of your staff in maintaining and operating the plant to produce the best quality effluent possible.” This letter was to Dave Powell and I know that we’ve spent capital dollars down there and continue to spend capital dollars and it’s nice to see that the DEC is appreciative of what we’ve done.

**Mayor Kasprzak** said thank you Chris. Speaking of DEC, and I won’t say anything critical, they were our sister agency in NYS Parks for years we have had issues that Mr. Brodi was directly involved with also some of our other department heads on Autumn Drive which DEC became involved in. Can you give us an update on that because there was some serious discussion with DEC on this and criticism?

**Corporation Counsel John Clute** said I think the last time we ever had any communication on the subject was probably a few months ago. It was quite some time ago. We received a letter from DEC essentially telling us it was their view that we committed a violation on our SPDES permit because this sewer line had backed up and flooded the basements of certain residents in the area and we didn’t respond to that. The Mayor sent a letter pointing out that it seemed like the primary purpose of the law was to prevent spills of untreated sewage in to the ground waters of New York State and since it went in to a basement and not ground water we didn’t see where there was a violation. Anyway, that was one point, which actually they took some what seriously I think and I think the DEC is reconsidering their position on this whole thing and realizing these things do occur when you have municipal sewage systems. In this case the back up was apparently caused by one of the other system users putting certain unauthorized or illegal debris in to the sewer system that caused the line to plug up and therefore the water back up and flood these basements. So I

have to give the DEC some credit. I think that they consider our point of view on this thing and realize what the implications state wide would be if they adopt a policy of prosecuting municipalities who really could not predict or prevent the situation that occurred so it seems that they have backed off and we may not hear anything more about it which I think is the appropriate response with these facts in the situation.

**Mayor Kasprzak** said the folks that we deal with up in Raybrook and even in Albany from DEC have always been very receptive and responsive to our concerns and if there are complaints they're very fair in the way they look at things at least here in Plattsburgh. Kevin, Mike a whole host of other folks got involved in this particular situation. Spent a lot of time gave them a lot of information. I was hopeful that they would react positively and it appears they have. I think it's like anything else if you sit down and instead of overreact and talk to them professionally and with details and facts, which is what Kevin, Mike and several others did, I think John is right listened and it was hopefully some common sense decision making that will end up very positively for everybody. I thank you for bringing up that originally Chris and you following up John. I have two more things. One the President of MLD is having the MLD meeting right after this meeting. Second thing, is this week we finished our Assessor interviews. We had 6 very good candidates. I want to thank the liaison to the Assessor's office this year, Mr. Calnon, for participating in the interviews with me. We are going to, so you all know, compare notes over the weekend and make our decision and bring hopefully a name to you next week. But, I want to make sure when we do that everyone is comfortable and we will be available to answer questions. There is sensitivity here with people their jobs, giving notice, salary we have to discuss with Richard. And so before we bring anyone to you, I want to make sure it is done professionally and very comfortably to vote on by all of you. But there is no question that we need someone in that office. I received some correspondence from New York State because we weren't moving quickly enough, I took exception to that, considering that we deal with Civil Service and other things, not blaming anybody, but we moved as quickly as we could. So the next piece will be to bring a name for you all to consider and I'm hopeful that we will move forward real quickly from this time and get somebody in here shortly.

**Councilor Jackson** said a couple more things. One, I would like to commend Public Works for working in very difficult situations fixing that water main break at the north end of Oak Street. Tell the guys good job, I couldn't even imagine being out in that weather trying to fix a water main break so thank them for me Michael, if you wouldn't mind. I would just like to request that the Mayor advertise for the IT position that was put into the budget. I would like to publicly ask that it get advertised so we can move forward with that.

**Mayor Kasprzak** said does everyone feel comfortable with that?

**Council** all responded yes.

**Mayor Kasprzak** said the other position that is open, Keith Herkalo I asked you and we need to follow up, is the City Historian. So please make some time to talk to me about that and will kick that around and I'll let the Council know what's going on there too.

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# **11. CLOSING PUBLIC COMMENTS: None**

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson  
(All voted in the affirmative)  
**MEETING ADJOURNED:** 5:49 pm